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DEPARTMENT OF AGRICULTURE, CONSERVATION & FORESTRY
LAND USE PLANNING COMMISSION
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PERMIT

AMENDMENT A TO SUBDIVISION PERMIT SP 4089

The Maine Land Use Planning Commission (LUPC or Commission), through its staff, after reviewing the application and supporting documents submitted by Robert T. and Donna L. Folsom (Applicants) for Amendment A to Subdivision Permit SP 4089, finds the following facts:

1. Applicants: Robert T. and Donna L. Folsom
788 Songo Pond Road
Albany, Maine 04217
2. Date of Completed Application: September 30, 2015
3. Location of Proposal: Albany Township, Oxford County, Maine
Lot #94.5 on Plan 01 of Maine Revenue Services'
Property Tax Maps
4. Parcel Size: 16.12 Acres (Owned)
5. Zoning: (M-GN) General Management Subdistrict
(P-WL) Wetland Protection Subdistrict
6. Affected Water Body: None

Background

7. Subdivision Permit SP 4089, issued to the Applicants in January of 2011, authorized the creation of a Level 2 Subdivision known as "Songo Woods" in Albany Township with 5 individual residential lots. SP 4089 provided:
 - a. The subdivision lots would be accessed from State Route 5 via a proposed roadway, to be named Forest Drive. The Maine Department of Transportation has issued Driveway/Entrance Permit #8779 for the proposed roadway. Forest Drive would be approximately 550 feet long with a 60 foot right-of-way and a 20 foot travel width. A Road Association, to be known as the "Songo Woods Road Association" would be established by the lot owners after three (3) lots in the Songo Woods Subdivision have been sold. At that time, all lot owners would be required to join the Road Association, and pay a proportionate share of the costs to maintain the road and rights-of-way, and storm water structures. Until the Road Association is established, the Applicants are responsible for all road and right-of-way maintenance and the maintenance of storm water control structures.
 - b. The proposed access road would meet or exceed the standards for a Class 2 Roadway, with a travel surface width of approximately 20 feet, and cross drainage and drain outlet protection to

prevent erosion. Side slopes would be no steeper than 2:1. The average grade of the access road would range from 5% to 10%. All of the proposed subdivision lots would have frontage on the access road. Three cross drain culverts would be installed, as well as ditch turnouts and a stone check dam to reduce the amount of water carried by the ditch and to reduce the chance of erosion. The cross drain inlets and outlets would be protected with stone riprap. The Applicants have submitted an Erosion and Sedimentation Control Plan which includes the permanent measures above as well as temporary erosion control measures (hay bale barriers, silt fencing and mulch) to be used while the road is under construction.

- c. The proposed roadway has been designed to conform to the standards set forth in the Commission's *Land Use Districts and Standards* (Standards). Specifically, the provisions of Section 10.25, D, 4, e, pertaining to Class 2 Roadways, and Section 10.27, D, pertaining to roads and water crossings.
8. On July 2, 2015, the Commission issued a partial Certificate of Compliance (COC) to the Applicants. The partial COC noted the subdivision was nearly complete, stating: "Addition of a final top layer of crushed stone to Forest Drive will complete the project in accordance with the terms and conditions permit approval."

Proposal

9. The Applicants seek a one-year time extension for a previously permitted activity under Subdivision Permit SP 4089. Specifically, the Applicants seek the time extension to roll out and compact Forest Drive, add finish gravel, and roll out and compact one final time. Other than the requested extension of time, no changes to the activity authorized in SP 4089 are proposed.

Review Criteria

10. Under 12 M.R.S. § 685-B(4)(B), incorporated into Section 10.24,B of the Commission's Standards, the Commission shall approve no application unless adequate provision has been made for loading, parking and circulation of land, air and water traffic, in, on and from the site, and for assurance that the proposal will not cause congestion or unsafe conditions with respect to existing or proposed transportation arteries or methods.
11. Under Section 10.25, D, 4, a, (2), of the Commission's Standards, a Class 2 Roadway is considered generally appropriate for low-intensity commercial or industrial projects surrounded by a relatively sparse development pattern and for residential subdivisions with fewer than 15 lots surrounded by a relatively sparse development pattern.
12. Under Section 10.25, D, 4, e, of the Commission's Standards, a Class 2 Roadway shall have a minimum roadway surface width of 14 feet or 8 feet with turnouts every 500 feet on average, a minimum base of 12 inches, a minimum wearing surface or 3 inches fine gravel or 2.5 inches of bituminous concrete, and a maximum sustained grade of 15%.
13. Under Section 10.17 of the Commission's Standards, if a development or use requiring a permit is not substantially started within the time period specified in the permit conditions of approval, or is not substantially completed within the time period specified, the permit lapses and further development or activity is prohibited thereafter unless and until a new permit is granted, or the Commission otherwise specifically authorizes.

Based upon the above Findings, the staff concludes that:

1. The proposal complies with the approval criteria under the Commission's Statutes, 12 M.R.S. § 685-B(4)(B). Specifically, the Commission concludes that the Applicants have made provision for loading, parking, and traffic circulation in, on and from the site. Specifically, the road has been designed to meet or exceed the standards for vehicular circulation, access and parking, Section 10.27, D.

2. The proposed Forest Drive will meet the provisions of Section 10.25, D, 4, a, (2) of the Commission's Standards, in that the roadway will access fewer than 15 lots.
3. The proposed Forest Drive will be in conformance with Section 10.25, D, 4, e, of the Commission's Standards, in that it will have a travel surface of at least 14 feet, with a minimum of 12 inches coarse gravel base and 3 inches of fine gravel surface, and a maximum sustained slope of less than 15%.
4. The proposed extension of time to roll out and compact Forest Drive, add finish gravel, and roll out and compact one final time is a reasonable request that may be specifically authorized by the Commission under Section 10.17 of the Commission's Standards. The proposed extension does not alter any finding or conclusions in the original permit, SP 4089.
5. If carried out in compliance with the Conditions below, the proposal will meet the applicable Criteria for Approval, 12 M.R.S § 685-B(4).


Therefore, the Commission, through its staff, approves the amendment application of Robert T. and Donna L. Folsom subject to the following conditions:

1. The Standard Conditions (ver. 04/04), a copy of which is attached.
2. Notwithstanding any other condition to the contrary, the permittees must substantially complete the development and limited construction activities permitted in this permit, specifically the completion of Forest Drive in accordance with the permit and as noted in the partial COC, by January 4, 2017.
3. Forest Drive must be constructed in accordance with the revised road plans received by the Commission on December 22, 2010. Once the construction areas are permanently stabilized, any temporary erosion and sedimentation control structures must be removed. The subdivision road must be maintained so that it will not erode.
4. The permittees are responsible for maintaining the approved road in accordance within the Commission's standards for roads and the terms and conditions of this permit until such time as the proposed Songo Woods Road Association is incorporated with responsibilities for proper maintenance of the roadway and the road is transferred to the Road Association.
5. All conditions of Subdivision Permit SP 4089 shall remain in effect, except as specifically modified by this permit amendment.

This permit is approved upon the proposal as set forth in the application and supporting documents, except as modified in the above stated conditions, and remains valid only if the permittee complies with all of these conditions. Any variation from the application or the conditions of approval is subject to prior Commission review and approval. Any variation undertaken without Commission approval constitutes a violation of Land Use Planning Commission law. In addition, any person aggrieved by this decision of the staff may, within 30 days, request that the Commission review the decision.

DONE AND DATED AT AUGUSTA, MAINE, THIS 9TH DAY OF OCTOBER, 2015

By: _____


for Nicholas D. Livesay, Director